

REMARKS

Reconsideration of this application in view of the above amendments and following remarks is respectfully requested. Claims 1, 2, 6-21, 23, 24, 34 and 36 are currently pending. Claims 1, 2, 11-13, 34 and 36 have been amended. Claims 3-5, 22, 25-33, 35, 37 and 38 have been canceled. No new matter has been added. Entry of the above amendments is respectfully requested.

Restriction Requirement

Pursuant to 35 U.S.C. §121, the Examiner has entered an eleven-way Restriction Requirement as set forth in the September 6, 2007 Office Action at pages 2-3. As for the compounds and compositions of Groups I through IX, the Examiner has indicated that the various "Q" substituents are all drawn to different compounds which are structurally dissimilar, and thus represent patentably distinct inventions. As for the process claims of Group X, as well as the method claims of Group XI, the Examiner has also indicated that such subject matter constitutes patentably distinct inventions.

In response to the Restriction Requirement, Applicants hereby elect (without traverse) the Group VIII subject matter (*i.e.*, wherein Q is $-\text{CH}=\text{CHCY}_1\text{CY}_2-$). Accordingly, Applicants have amended or canceled the claims such that they no longer read on the nonelected subject matter. More specifically, Applicants have amended independent claims 1 and 34 such that Q is $-\text{CH}=\text{CHCY}_1\text{CY}_2-$, and have omitted any text not directed to this distinct invention. For example, the compounds excluded by negative proviso at the end of claim 1 are not encompassed within the elected subject matter, and thus have been omitted. Further, claim 2 has been amended in a consistent manner, while claims 11-13 have been amended to correct a typographical error. No new subject matter has been added by way of these amendments.

In addition, Applicants have canceled claims 28-33 and 38 directed to the nonelected subject matter of Groups X and XI, respectively.

As for canceled claims 25, 26 and 27, Applicants assume that these claims are properly included with the Group X method claims, and have thus canceled these claims as directed to nonelected subject matter. Applicants respectfully request clarification for the record that these claims are deemed to fall within Group X.

Applicants reserve the right to continue prosecution of any and all nonelected subject matter in one or more divisional applications.

Election of Species

In addition to the Restriction Requirement, the Examiner has requested Applicants elect a single species for purpose of initial examination. To this end, Applicants hereby elect the following species:

$R_1 = R_2 = R_3 = R_4 = \text{methyl};$

$Q = -\text{CH}=\text{CHC}Y_1Y_2-;$

$X_1 = X_2 = \text{hydroxyl};$

$X_3 = \text{hydrogen};$

$X_4 = \text{methyl};$

$Y_1 = \text{hydrogen};$ and

$Y_2 = \text{F}.$

Claims 1 and 34 are generic to the elected species, while claims 2, 6, 7, 11-13, 15, 16, 18-21, 23, 24 and 36 read thereon.

CONCLUSION

In view of the above amendments and remarks, Applicants respectfully request consideration and allowance of claims 1, 2, 6-21, 23, 24, 34 and 36. A good faith effort has been made to fully respond to the outstanding Office Action.

However, should any further matter require attention, the Examiner is requested to contact the undersigned at the number provided below.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number SMAR-036.

Respectfully submitted,
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